

REMARKS

The last Office Action has been carefully considered.

It is noted that the claims are rejected under 35 U.S.C. 102 over the patents to Henkin and Gentry, and also as being obvious over the patent to Gentry in view of the patent to Vosbikian.

Also, the claims are rejected under double patenting in view of the copending application.

Finally, specification, the drawings, and the claims are objected to and the claims are also rejected under 35 U.S.C. 112.

In connection with the Examiner's formal objections and rejections, the specification has been amended, a copy of Figure 1 with identification "Prior Art:" is submitted and the claims are amended as well.

In connection with the Examiner's rejection of the claims under 35 U.S.C. 112 because of the Examiner's opinion there is no enablement for connecting a scrubbing element to a faucet head other than by connecting element, it is respectfully submitted that claim 1 defines that an additional

scrubbing element is connected to a faucet head. This language however does not mean that the additional scrubbing element is attached directly to the faucet head without a connecting element, or indirectly to the faucet head with a connecting element. It covers both options. The specification clearly explains that the additional scrubbing element can be attached to the faucet head through the connecting element in one embodiment, and also directly to the faucet head in another embodiment by a snap fit. Both options are sufficiently described. As for the snap-fit connection, this connection is conventional and identifies a connection when one element is snapped on another element by fitting on it, and it is believed that no explanations are needed.

It is therefore believed that the Examiner's grounds for formal objections and rejections should be considered as not tenable and should be withdrawn.

Turning now to the Examiner's rejection of the claims over the art, it is respectfully submitted that claim 1 defines that in the multi-purpose kitchen pull-out faucet the diameter of the faucet head is smaller than the diameter of the additional scrubbing element, so that not only the surface facing away from the faucet head, and not only the circumferential peripheral surface of the additional scrubbing element, but also a radially outer part of

the surface of the additional scrubbing element facing toward the faucet head are available for cleaning. In this construction also the edge between the surface of the additional scrubbing element facing away from the faucet head and the circumferential peripheral surface, and also the edge between the circumferential peripheral surface and the surface facing toward the faucet head are available for cleaning, for example by engaging into difficult-to-access spaces.

Also, the faucet head is formed so that the water passes through it and a plurality of openings are provided in the faucet head facing toward the additional scrubbing element, to apply to the rear side of the latter a plurality of jets.

Claim 18 specifies that the faucet head and the additional scrubbing element are formed so that one part of water flowing from the faucet head flows onto an object outside the additional scrubbing element while another part of water flowing from the faucet head flows through the additional scrubbing element.

Finally, claim 23 defines that the connecting element is formed so that it has at least one opening through which water flows from the faucet head onto the object outside the additional scrubbing element.

Turning now to the references and in particular to the patent to Henkin, it can be seen here that the holding structure which holds the scrubbing element has a diameter which substantially corresponds to the diameter of the scrubbing element, so that there is no radially outer part of the surface of the scrubbing element facing the holding structure which is accessible for scrubbing or an edge between the circumferential peripheral surface and this part of the surface facing the holding structure. Thus, this reference does not teach the new features of the present invention which are now defined in claim 1.

In the patent to Gentry, while the holding structure has a plurality of openings, the holding structure does not have a diameter which is smaller than a diameter of the additional scrubbing element, and therefore as can be for example from Figure 3, neither the circumferential peripheral surface of the additional scrubbing element, nor its radially outer part of the surface facing the faucet head are available for scrubbing.

The patent to Vosbikian does not disclose a throughflow element at all, but instead it discloses an enclosed receptacle 2, to which a working element is attachable. Thus, there is now flow of water through the holding structure, and then through the plurality of openings onto the surface

of the scrubbing element facing the holding structure. This reference is completely different from the applicant's invention as well.

It is therefore believed to be clear that the references do not teach the new features of the present invention as defined in claim 1. The same is true for claims 18 and 23. The references do not teach the new features of the present invention as defined in these claims as well.

The original claims were rejected over the references as being anticipated. In connection with this, it is believed to be advisable to cite the decision in *re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.”

Definitely, the references do not disclose each and every element which is now defined in claims 1, 18 and 23. Therefore, the anticipation rejection should be considered as not tenable and should be withdrawn.

Some claims were rejected over the combination of the references. As for the combination of the references, it is respectfully submitted that first of all it is believed that the combination can not be considered as obvious since the patent to Gentry discloses a device with a throughflowing water and corresponding elements, while the patents to Vosbikian discloses just a container for supplying a washing solution, etc.

In addition, in order to arrive at the applicant's invention from the references, the references have to be fundamentally modified, in particular by including into them the new features of the present invention which are now defined in claims 1, 18 and 23. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification. This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randol and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Finally, as explained herein above, the present invention provides for the highly advantageous results which can not be accomplished by the construction disclosed in the references. It is well known that in order

to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushima and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

Finally, the present invention provides advantages which can not be accomplished by the references. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushima and Takahashi (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

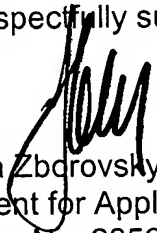
In view of the above presented remarks and amendments, it is believed that claims 1, 18 and 23 should be considered as patentably distinguishing over the art and should be allowed.

As for the remaining claims, these claims depend on claim 1, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,



Ilya Zbdrovsky
Agent for Applicant
Reg. No. 28563